

OPINION 2232 (Case 3384)***Cornwallius tabatai* Tokunaga, 1939 (currently *Paleoparadoxia tabatai*; Mammalia, Desmostylia): proposed designation of a neotype not accepted**

Abstract. The Commission has ruled that the usage of the specific name of *Paleoparadoxia tabatai* (Tokunaga, 1939), a species of Middle Miocene desmostylian from Japan and California, will not be conserved by designation of a neotype.

Keywords. Nomenclature; taxonomy; Desmostylia; PALEOPARADOXIIDAE; *Paleoparadoxia*; *Paleoparadoxia tabatai*; Middle Miocene; Japan.

Ruling

- (1) It is hereby ruled that the previous type fixation for the nominal species *tabatai* Tokunaga, 1939 in the genus *Cornwallius* Hay, 1923 is maintained.
- (2) No names are placed on the Official Lists or Indexes in this ruling.

History of Case 3384

An application to conserve the specific name of *Paleoparadoxia tabatai* (Tokunaga, 1939) for a species of Middle Miocene desmostylian from Japan and California was received from Y. Hasegawa (*Gunma Museum of Natural History, Gunma, Japan*) and N. Kohno (*Department of Geology and Paleontology, National Museum of Nature and Science, Tokyo, Japan*) on 11 May 2006. After correspondence the case was published in BZN 64: 113–117 (June 2007). The title, abstract and keywords of the case were published on the Commission's website. No comments were received on this case.

Decision of the Commission

The case was sent to the members of the Commission on 1 March 2008. The case received a majority of votes cast (9 FOR, 7 AGAINST), but failed to reach the two-thirds majority required for approval.

In accordance with Bylaw 35, the proposals published in BZN 64: 116 were resubmitted to the Commission on 1 December 2008. At the close of the voting period on 1 March 2009 the votes were as follows:

Affirmative votes – 6: Alonso-Zarazaga, Bogutskaya, Bouchet, Halliday, Papp and Zhang.

Negative votes – 13: Brothers, Fautin, Grygier, Kottelat, Kullander, Lamas, Lim, Minelli, Ng, Pape, Rosenberg, Štys and van Tol.

Krell abstained. Patterson and Pyle were on leave of absence.

Bouchet, voting FOR, felt the case had formal inconsistencies, but did not want to vote against the intent of the proposals. Also voting FOR, Halliday concurred, stating that the case was not quite perfect, but the outcome from the proposals would be correct. Krell, who ABSTAINED in the second round of voting, commented in the first round of voting that he felt the case had formal inconsistencies such as

missing the fixation of a neotype in paragraph 13, but that it was a valid case, thus he was willing to vote for unnecessary but beneficial proposals. During the second round of voting he emphasised his discomfort with the proposals. Ng, voting AGAINST, also did not see the necessity for a vote as the neotype designation was valid and the lectotype designation was faulty anyway. Brothers, voting AGAINST, said that if, as was stated, the 'neotype designation' by Shikama (1966) was deficient, it could not be considered a 'type fixation'. The 'lectotype designation' of Inuzuka (2005) was automatically invalid since the specimen at issue was not a syntype. Action by the Commission with respect to proposal 1) was therefore not possible. Since the other proposals were consequential, they would also fall away. A simple remedy would be to properly designate the desired specimen as the neotype, which would not require the intervention of the Commission. Rosenberg, voting AGAINST, agreed that action by the Commission was not needed; the supposed lectotype had no standing, so the authors were free to validate the neotype designation by providing the missing information. Kottelat said he voted AGAINST because there was no need for a ruling by the Commission in this case as the lectotype had no nomenclatural status since it was not part of the type series and the neotype designation was valid. Grygier, voting AGAINST, said that although the intention of the proposals was fine and he did not want to vote against them, he felt that the formulation was faulty. He said that proposal 1(b) was not a plenary power matter, although phrased as such, as it only sought confirmation of what was already true under the Code. In addition, acceptance of Shikama's type designation in these proposals was only implicit, not explicit, and an explicit proposal confirming the mentioned specimen as the neotype should have been included. Kullander, voting AGAINST, said that paragraphs 6 and 7 indicated that the lectotypification was not sufficiently underbuilt. He preferred to return to this issue when one could get a clear explanation of whether the lectotype was part of the original series or not.

No names are placed on Official Lists or Indexes and the issue is left open for subsequent workers to follow the precepts of the Code or to make new proposals to the Commission.